

## **Deficiencies and Corrective Actions Status Report**

1. **Deficiency:** The CUPA is not fully implementing the CalARP program. The CUPA is currently reviewing inventory information to determine if stationary sources will be subject to the CalARP program.

**CUPA Corrective Action:** The Yuba County CUPA has done a complete inventory analysis and review, to determine those facilities that have any of the substances listed under the CalARP program, and if they meet the threshold to require inclusion in this program. Currently only two facilities in Yuba County meet these guidelines. Both facilities are being charged the CalARP state surcharge and these have been remitted to the state. One facility has a RMP in place, however it is past the required review timeframe and our office is requesting the RMP to be updated. The other facility does not have a RMP and our facility will be requesting completion of a RMP and full inclusion into the CalARP program. *Note: Although not listed on inventories some farm packaging facilities may use anhydrous ammonia for refrigerant above the threshold for this program. Our facility will be inspecting these facilities over the next three months to verify their reported inventory, and if required will be included in the CalARP program.*

2. **Deficiency:** The CUPA is not inspecting every business subject to the Business Plan program every 3 years. The CUPA inspected 31 of 424 total Business Plan facilities.

**CUPA Corrective Action:** Since the findings of this evaluation in August of 2005, it has been the goal of this office to reach 100% compliance of inspection frequencies for this program. The corrective action was to complete 1/3 of the facilities within one year. Starting August of 2005, our office has completed 160 of 444 current facilities in Yuba County as of May 5, 2006, which is 1/3 of the facilities at 9 months. This does not account for facilities that are already within the required inspection timeframe prior to August of 2005. Our goal is to meet the required inspection frequency of all facilities by May 1, 2007 and at the current rate we should accomplish this goal ahead of schedule. Once we have met our inspection frequency goal we expect to maintain the required frequency. *Note: Our office spends some time each month to research businesses that may require inclusion in our program, but is not currently an inventoried facility. We then add the business and perform an inspection as they are included. This is the reason for the increase of 424 to 444 over the last 9 months.*

3. **Deficiency:** The CUPA is not inspecting all Hazardous Waste Generators in their jurisdiction in accordance with their stated inspection frequency. The CUPA inspected 31 of 271 hazardous waste generators.

**CUPA Corrective Action:** Since the findings of this evaluation in August of 2005, it has been the goal of this office to reach 100% compliance of inspection frequencies for this program. The corrective action was to complete 1/3 of the facilities within one year. Our office has completed 106 of 334 current facilities in Yuba County as of May 5, 2006, which is just shy of 1/3 of the facilities at 9 months. This does not account for facilities that are already within the required inspection timeframe prior to August of 2006. Our goal is to meet the required inspection frequency of all facilities by May 1, 2007 and at the current rate we should accomplish this goal ahead of schedule. Once we have met our inspection frequency goal we expect to maintain the required frequency. Note: Our office spends some time each month to research businesses that may require inclusion in our program, but is not currently listed as a generating facility. We then add the business and perform an inspection as they are included. This is the reason for the increase of 271 to 334 over the last 9 months.

4. **Deficiency:** The CUPA's Inspection and Enforcement Program Plan has not been fully implemented. In some instances, the CUPA has exhausted all informal enforcement options, and has not continued with formal enforcement as described in their plan's graduated series of enforcement actions.

**CUPA Corrective Action:** A formalized plan has been completed and is nearing finalization. The plan is based off Sacramento County's plan and will be very similar. We expect to finalize the penalty matrix over the month of May. At that time we will present the plan to County Counsel for review and approval. After which we will present the plan to the board. Our expected timeframe to complete these steps is August 2006.  
*Note: We will have a working draft completed by June 2006.*

5. **Deficiency:** The CUPA is not regulating all farms subject to the Business Plan and Hazardous Waste Generator programs. The CUPA sent out 500 surveys to agricultural handlers that may be subject to the programs. 75% percent of those surveys were returned, most of which were determined to

be subject to the programs. Of the 500 agricultural handlers surveyed, only 132 business plans were received.

**CUPA Corrective Action:** After reviewing this finding the Yuba County CUPA has determined that far fewer farms, than originally thought, require entry into these programs. Our initial investigation has discovered that many of the farms are being cultivated by a single farmer. In other words one farmer may be cultivating from 1-10 farms. This farmer has all stored hazardous materials and generates all hazardous waste at one facility and does not store hazardous materials for more than 30 days or generate waste at the other locations. Therefore only one of the ten facilities, for example, is required to be placed in our program. At this time it is our belief we have nearly 100% of the farms that are actually storing hazardous materials or generating hazardous waste. Starting July we will be researching and completing a countywide sweep to capture any farms that require entry into this program that we have missed. Currently there are 91 active farms. The lower number, than the one indicated in the evaluation, is due to packaging facilities being considered as businesses that are already included in these programs. In addition there is a continuing loss of farms due to encroaching development.

- 6. Deficiency:** The CUPA does not leave a notice to comply with the facility at the conclusion of the inspection. The CUPA currently sends a notice to comply to the facility within a few days of completing the inspection.

**CUPA Corrective Action:** The Yuba County CUPA now leaves a notice to comply (NTC) with the facility representative at the conclusion of each inspection. The CUPA inspector(s) review the NTC with the facility representative at the exit interview. Additionally, the CUPA asks the facility representative to sign an inspection verification form that states the date of the inspection and for what program elements, signifies that the inspectors were given permission to complete the inspection, and explains to the facility representative that a final inspection report will be sent to the appropriate facility personnel. The report package will contain the inspection checklists, the Summary of Violations (NTC) clearly typed, a letter of compliance restating the timeframe for compliance and any educational or reference material that may help the facility comply or keep in compliance.

***Note: At the time of the evaluation we had a staff of two personnel to implement the CUPA program. As of July 2006 Yuba County is establishing an additional two staff members be allocated for this program. We expect to hire the third staff member by July of 2006 and add an additional staff member as program funds allow. This should give Yuba County the ability to continue to meet the program requirements and at the same time allow for improving program systems.***